

# 61-2105  
R34

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849



DAVID C. REEVES

(202) 663-7824 (Direct Dial)  
E-Mail: dreeves@bakerandmiller.com

June 5, 2006

**BY HAND DELIVERY**

Ms. Victoria Rutson  
Director, Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

Re: STB Docket No. AB-103 (Sub-No. 20X)  
*The Kansas City Southern Railway Company-- Abandonment Exemption*  
*-- Line In Jefferson Parish, LA*

Dear Ms. Rutson:

Enclosed are responses received in this office to environmental consultation letters and the Environmental and Historic Report relevant to the above-captioned abandonment exemption notice. Some of these duplicate other responses received. None of these raise any issues requiring mitigation or imposition of environmental conditions.

The letter from the State Historic Preservation Officer states that there are no known archeological sites or historic properties affected by the proposed abandonment. The letter from the U.S. Fish and Wildlife Service, which largely duplicates one previously forwarded to you by this office, says that the project will not affect endangered species.

The Department of Environmental Quality ("DEQ") form letter says that the DEQ has no objection to the proposed abandonment, but lists 6 areas in which further inquiry into possible permitting requirements may be appropriate. With respect to those potential requirements, none apply to this proposed abandonment.

It is not anticipated that the abandonment will result in a discharge into Louisiana waters or in a discharge of wastewater into an existing wastewater treatment system. Accordingly, Items 1 and 2 listed in the letter are inapplicable to this project. With respect to Item 3, the undersigned spoke with Darlene Bernard of the DEQ stormwater discharge permits section at (225) 219-3082. (Mr. Cox, whose name is given in the letter, has left the DEQ.) As KCSR is not planning to grade the right of way or otherwise disturb the soil as a result of this planned

**BAKER & MILLER PLLC**

Ms. Victoria Rutson

June 5, 2006

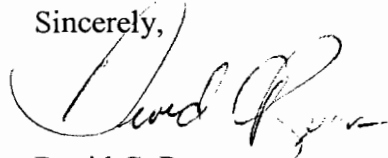
Page 2

abandonment, Ms. Bernard confirmed that a stormwater discharge permit would not be required for this project. As for Items 4 and 6, it is not anticipated that nonpoint source pollution or groundwater impacts will occur, but should the potential for either arise, KCSR will take appropriate precautions. Finally, as to Item 5, the project will not occur in a wetland or other property subject to the Corps' jurisdiction. Moreover, the Corps of Engineers has been contacted twice and has not objected to the project.

Accordingly, in all six of the areas where DEQ's letter asks that KCSR make additional inquiry or take precautions, each area has been satisfied. Therefore, environmental conditions are not required in any area raised by DEQ.

If there are any questions concerning this matter, please feel free to call me at (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Reeves", written over a horizontal line.

David C. Reeves

Enclosures

cc: Raymond Moehlman

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW

SUITE 300

WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820

FACSIMILE: (202) 663-7849

DAVID C. REEVES

(202) 663-7824 (Direct Dial)

E-Mail: dreeves@bakerandmiller.com

April 26, 2006

Office of Cultural Development (SHPO)  
Louisiana Division of Archaeology  
Department of Culture, Recreation and Tourism  
P.O. Box 44247  
Baton Rouge, LA 70804-4247

Date: 5-17-06

No known archaeological sites or historic properties will be affected by this undertaking. This effect determination could change should new information come to our attention.

Pam Breau: Pam Breau  
State Historic Preservation Officer

RE: *The Kansas City Southern Railway Company-- Abandonment Exemption --  
Line In Jefferson Parish, LA*  
STB Docket No. AB-103 (Sub-No. 20X)

Dear Sir or Madam:

On or about May 16, 2006, The Kansas City Southern Railway Company ("KCSR") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 C.F.R. § 1152.50, Subpart F, seeking to abandon 0.71 miles of railroad track located in Metairie (Jefferson Parish), Louisiana, running from milepost 862.14 (near Turnbull Drive) to milepost 862.85 (near Causeway Boulevard) (the "Line"). The Line traverses through United States Postal Zip Code 70001. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001; TEL: (202) 565-1545 and refer to STB Docket No. AB-103 (Sub-No. 20X).

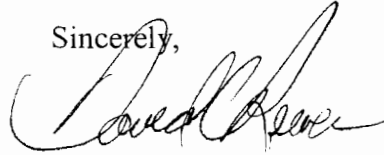
Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA (at the address provided in the above paragraph) along with a copy to KCSR's representative (at the address provided in the paragraph below)

MAY 1 2006

would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action.

If there are any questions concerning this proposal, please contact KCSR's representative by mail at: David C. Reeves, Esq., Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: [dreeves@bakerandmiller.com](mailto:dreeves@bakerandmiller.com) or by TEL: (202) 663-7824.

Sincerely,

A handwritten signature in black ink, appearing to read 'David C. Reeves', written over a horizontal line.

David C. Reeves

Enclosure

cc: Section of Environmental Analysis (SEA)  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849

DAVID C. REEVES

(202) 663-7824 (Direct Dial)  
E-Mail: [dreeves@bakerandmiller.com](mailto:dreeves@bakerandmiller.com)

April 26, 2006

U.S. Fish & Wildlife Service  
Region 4  
Century Center  
1875 Century Boulevard, Suite 400  
Atlanta, GA 30345

RE: *The Kansas City Southern Railway Company-- Abandonment Exemption –  
Line In Jefferson Parish, LA*  
STB Docket No. AB-103 (Sub-No. 20X)

Dear Sir or Madam:

On or about May 16, 2006, The Kansas City Southern Railway Company (“KCSR”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption pursuant to 49 C.F.R. § 1152.50, Subpart F, seeking to abandon 0.71 miles of railroad track located in Metairie (Jefferson Parish), Louisiana, running from milepost 862.14 (near Turnbull Drive) to milepost 862.85 (near Causeway Boulevard) (the “Line”). The Line traverses through United States Postal Zip Code 70001. Enclosed is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB’s independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001; TEL: (202) 565-1545 and refer to STB Docket No. AB-103 (Sub-No. 20X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA (at the address provided in the above paragraph) along with a copy to KCSR’s representative (at the address provided in the paragraph below)

Environmental Agencies

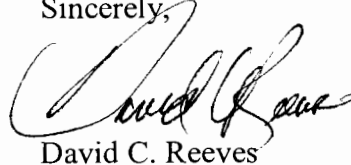
April 26, 2006

Page 2

would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action.

If there are any questions concerning this proposal, please contact KCSR's representative by mail at: David C. Reeves, Esq., Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: [dreeves@bakerandmiller.com](mailto:dreeves@bakerandmiller.com) or by TEL: (202) 663-7824.

Sincerely,



David C. Reeves

Enclosure

cc: Section of Environmental Analysis (SEA)  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed,

☒ Will have no effect on those resources.

☐ Is not likely to adversely affect those resources.

This finding fulfills the requirements under Section 7(a)(2) of the Act.



Acting Supervisor

Louisiana Field Office

U.S. Fish and Wildlife Service

May 19, 2006

Date



## DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN GABINEAUX BLANCO

COMMISSIONER

MIKE D. McLAMEL, Ph.D.

SECRETARY

May 15, 2006

Mr. David C. Reeves, Esq.  
Baker & Miller, PLLC  
2401 Pennsylvania Ave., NW, Ste. 300  
Washington, DC 20037

RE: DEQ0605020168; STB Docket No. AB-103 (Sub-No. 20X); The Kansas City Southern Railway Company - Abandonment Exemption - Line in Jefferson Parish, Louisiana  
Proposed Environmental and Historic Report for the Proposed Abandonment of 0.71 Miles of Railroad Track

Dear Mr. Reeves:

The Department of Environmental Quality, Office of Environmental Assessment and Office of Environmental Services has received your request for comments on the above referenced project.

There were no objections based on the limited information submitted to us. However, the following comments have been included and/or attached. Should you encounter a problem during the implementation of this project, please make the appropriate notification to this Department.

The Office of Environmental Services recommends that you investigate the following requirements that may influence your proposed project:

1. If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
2. If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify their LPDES permit before accepting the additional wastewater.
3. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact Aaron Cox at (225) 219-3092 to determine if your proposed improvements require one of these permits.
4. All precautions should be observed to control nonpoint source pollution from construction activities.

**MANAGEMENT & FINANCE**

: PO BOX 4303, BATON ROUGE, LA 70821-4303

P:225-219-3840 F:225-219-3846

WWW.DEQ.LOUISIANA.GOV

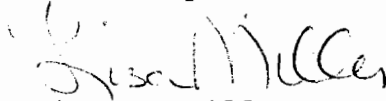
May 15, 2006  
Page 2

5. If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps to inquire about the possible necessity for permits. If a Corps permit is required, part of the application process may involve a Water Quality Certification from LDEQ.
6. All precautions should be observed to protect the groundwater of the region (SEE ATTACHMENT).

Currently, Jefferson Parish is classified as an attainment parish with the National Ambient Air Quality Standards for all criteria air pollutants.

Please forward all future requests to the Louisiana Department of Environmental Quality, Office of Management and Finance, Contracts & Grants, P. O. Box 4303, Baton Rouge, LA 70821-4303, and we will expedite your request as quickly as possible. Should you need any additional information please call me at (225) 219-3815.

Sincerely,

  
Lisa L. Miller  
Contracts & Grants

llm:vh  
Enclosure